IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Bail Appl..No. 7163 of 2007()

CRIME NO.165/07 KARIMKUNNAM POLICE STATION

PETITIONERS/ACCUSED NO.1,2 AND 3

1. **PRINCE, AGED 29 YEARS,**
   S/O PHILIP, KAUNTHINKAL HOUSE,
   KARIMKUNNAM VILLAGE, KARIMKUNNAM KARA,
   VADAKKUMURY BHAGAM.

2. **PHILIP, AGED 58 YEARS,**
   S/O MATHEW, KAUNTHINKAL HOUSE,
   KARIMKUNNAM VILLAGE, KARIMKUNNAM KARA,
   VADAKKUMURY BHAGAM.

3. **MARY, AGED 54 YEARS, W/O PHILIP,**
   KAUNTHINKAL HOUSE, KARIMKUNNAM VILLAGE,
   KARIMKUNNAM KARA, VADAKKUMURY BHAGAM.

BY ADV. SRI.L.RAJESH NARAYAN
SRI.RENJITH B.MARAR
SMT.LAKSHMI.N.KAIMAL

RESPONDENT:

THE SUB INSPECTOR OF POLICE,
KARIMKUNNAM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No. 7163 of 2007

Dated this the 21st day of October 2007

O R D E R

Application for anticipatory bail. The petitioners are the husband and parents-in-law of the de facto complainant. The marriage took place on 12/6/2006. The spouses are blessed with one child. The wife allegedly had returned to her parental home on 20/7/2007 from her matrimonial home. Long later on 9/11/2007, the present complaint was filed before the Deputy Superintendent of Police alleging commission of offence punishable under Section 498A I.P.C. The said petition was sent before the local police. Crime under Section 498A I.P.C. has been registered. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the application and I am satisfied, in the facts and circumstances of this case that the petitioners can be granted anticipatory bail. In coming to this conclusion I take note of the fact that arrest and detention of the petitioners is likely to mar all possibilities of harmonious reconciliation of the matrimonial tie. I do further take note of the submission of the learned Public Prosecutor that the alleged victim has suffered no external injuries also and that the complaint has been filed about four months after she returned to her parental home. Appropriate conditions can of course be imposed.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 28/11/2007. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 1 p.m on 29/11/2007 and 30/11/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 28/11/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 28/11/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007